

Notice of Allowability

Application No.

09/806,193

Examiner

Jason R. Kurr

Applicant(s)

JOT ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondance submitted on 13 November 2006.
2. ☒ The allowed claim(s) is/are 1-5,7,20-40 and 50.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Garth Vivier Reg.No. 57,313 on 4 January 2007.

The application has been amended as follows:

Claims: The present claims contained an improper multi-dependency, wherein the multi-dependent claim 37 depended on the multi-dependent claim 36.

Claim 37 has been changed to -- 37. (Currently Amended) The method according to claim 33 including performing cross-talk cancellation of the left and right audio signals before feeding the loudspeakers.--

Claim 50 has been added -- 50. (New) The method according to claim 36 including performing cross-talk cancellation of the left and right audio signals before feeding the loudspeakers.--

Allowable Subject Matter

Claims 1-5, 7, 20-40 and 50 are allowed. For the purposes of allowance, the original numbering of the claims has been changed.

The following is an examiner's statement of reasons for allowance:

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The general concept of positioning a spatialized audio signal by providing a series of weighted amplifiers to spatially encode the signal was known in the art at the time of the invention, as evidenced by the McGrath reference previously cited (McGrath US 6,259,795 B1). The general concept of producing a virtual acoustic sound on left and right channels by mixing encoded signals wherein the left and right channels are mutually exclusive such that they do not contain the respective encoded signal of the other channel was known in the art at the time of the invention, as evidenced by the Chen reference previously cited (Chen US 6,990,205 B1, See. Fig.4A). However, the examiner has not found prior art that teaches or suggests the modification of a combination of McGrath with Chen in order to meet the present claim language. See Applicant's remarks dated 13 November, 2006 for further explanation on why a combination of McGrath with Chen is not a proper combination in order to meet the present claim language. In light of an improper combination of McGrath with Chen, the Examiner has not found prior art that teaches all of the present claim limitations, more specifically wherein "the encoded left-channel input excluding the second set of directionally encoded signals and the encoded right-channel input excluding the first set of directionally encoded signals" as claimed in the independent claims 1 and 20. Other prior art has been cited herein regarding the processing of spatialized audio signals. However the other prior art of record also fails to teach or provide suggestion to arrive the combination of the elements and steps presents in the independent claim, again when said elements or steps are collectively considered in regards to each claim. For

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at least the reasons listed above, the dependent claims are also allowed in view of their respective dependencies upon the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Kurr whose telephone number is (571) 272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 273-8300. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JK

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